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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/613,518

07/03/2003

Michael H. Script

2199-6

4800

7590

12/15/2004

Walter W. Duft
10255 Main Street, Suite 10
Clarence, NY 14031

EXAMINER

MULLEN, THOMAS J

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,518

Applicant(s)

SCRIPT ET AL.

Examiner

Thomas J. Mullen, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 and 31-35 is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-14, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 7-10, 15-17 and 23-30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/20/04. 3 pages
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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1. The patent number (6828909) associated with parent application 10/119,535 should be inserted on page 1 of the specification in the appropriate place.

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Errors noted by the examiner include:

page 44, line 6, it appears that "host 260" should be --host 261--;

page 51, line 7, it appears that "module 408" should be --module 404-- (note the discussion of Figs. 23-24 below);

page 51, lines 12-14, it appears that "board 408" (two occurrences) and "antenna 410" should be --board 410-- (both occurrences) and --antenna 412--, respectively (see Fig. 23);

page 59, line 22, it appears that "512" should be --510-- (see Fig. 27);

page 62, line 21, it appears that "526" should be --556-- (see Fig. 29B);

page 65, line 17, it appears that the semi-colon after "namely" should be a comma, or simply deleted; and

page 68, line 14, it is unclear what "mode" is being referred to.

3. The drawings are objected to because in Fig. 23, it appears that reference numeral 408 should be 404 (note the corresponding element in Fig. 24, and see pp. 50-51 of the specification).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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4. Claims 1, 14 and 16 are objected to under 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

On line 4 in each of claims 1 and 14, "movement an" should be --movement of an--;

In claim 16, line 3, "said audio files" lacks antecedent basis (note the dependency of the claim).

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 5-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. .

Claim 5 depends from claim 2, which recites that the movement detector comprises a "gyroscope sensor", whereas claim 5 recites that the movement detector comprises an "accelerometer sensor with a piezoelectric audio transducer construction..."; the specification and drawings do not appear to teach a "combined" movement detector, including both a gyroscope and a piezoelectric element.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 1 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Lemelson (US 4337462).

Note in Lemelson, object 11; accelerometers 16-18; vibrator sensor 22; transmitter 28; receiver 44; and speaker 56. As to claim 1, accelerometers 16-18 form an "inertial sensor" for detecting movement of the object (e.g. as shown in Fig. 1); as to claim 14, speaker 56 is a "remote speaker system" for receiving signals from receiver 44, and emitting "synthetic speech signals" generated at a synthesizing circuit 53 (see Fig. 3 and col. 3, lines 38-48).

9. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Breed (US 2003/0227382, eff. date 6/11/02).

Note in Breed, object 10; "inertial" sensor 30, for detecting movement of the object, and which may be or comprise a "MEMS...accelerometer" (paragraph 0077, line 2), "gyroscopes" (paragraph 0086, line 10), or an "IMU (Inertial Measurement Unit)" (paragraphs 0086 and 0126), the IMU having e.g. "three accelerometers and three gyroscopes" (paragraph 0086); and, communication device 20, associated with the object, for wirelessly transmitting various types of sensor-based information to a "remote facility" (paragraph 0067). As to claim 1, the "remote facility" inherently has some type of "receiver means" associated therewith. As to claims 2-3, Breed teaches using either or both of a "gyroscope sensor" and a "MEMS accelerometer sensor", as mentioned above. As to claims 11 and 13, Breed further employs an "environmental" sensor 32 (paragraph 0078) for detecting "environmental parameters" such as temperature, pressure, humidity, gases, chemicals, etc. As to claim 12, an environmental monitor is inherently "separate from" a movement detector (in one respect or another, i.e. physically, electronically, different sensing zones, etc.).

10. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall (US 4742336).

Note in Hall, portable carrying case 22; movement detector and transmitter 40; "panic" button and transmitter 42; receiver 46; programmable controller 48; and battery pack 52. As to claims 11 and 13, detector/transmitter 40 inherently detects "movement" of an object, and Hall teaches at col. 9, lines 9-30 that the system may also include means for sensing and detecting

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"environmental parameters" such as moisture, humidity, gases, temperatures, etc. As to claim 12, an environmental monitor is inherently "separate from" a movement detector (in one respect or another, i.e. physically, electronically, different sensing zones, etc.).

11. Claims 21-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Hines (US 5200735).

Note in Hines, plural "triggers" (21,23,25,27) for detecting a "security" condition (e.g., "motion" or "intrusion", Abstract), and which include (Figs. 3, 3A and 7) a sensor 31 (Fig. 3) and transmitter 35 (Fig. 3); and receiver means (51,59 in Figs. 1-2, 65 in Figs. 1 and 6) for providing a "security response". Hines teaches that the sensor/transmitter sends a "predetermined signal", which is "digitally encoded" for identifying the "specific unit responding to a condition" (col. 7, lines 31-33), i.e. "to provide identification of the (sensor) and in turn the conditions sensed" (col. 3, last 4 lines); note that since Hines teaches using diverse sensors (for "motion or vibration", "opening of a door or window", "temperature..., humidity,...toxic gas,...", etc (col. 3, lines 18-27), it is an inherent necessity that "receivers" 51 and/or 65 would "identify" the type of condition sensed as well as "identifying" the sensor. Thus, the "predetermined signal" in Hines inherently includes a "status code providing information about a condition associated with (the) trigger". As to claim 22, the "condition" is inherently "external to (the) trigger".

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson (US 4337462) in view of either Campman (US 5317305) or Cameron (US 5811910).

Lemelson was discussed above with respect to claim 1.

Note in Campman (Fig. 12, the Abstract, and col. 7, line 46 to col. 9, line 2), piezoelectric element 74; "flexible" diaphragm 70,76 (col. 8, lines 42-43 and 50-51); and mass 72.

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Note in Cameron, piezoelectric element 25; "flexible" diaphragm 20 (col. 2, line 5); and mass 40.

The piezoelectric elements in each of Campman (74) and Cameron (25) are in the form of a piezoelectric "film". In view of either Campman or Cameron it would have been obvious to use a "piezo film" sensor as the accelerometer sensors 16-18, since those skilled in the art would have recognized the ready availability, low cost and required sensitivity of this type of sensor, as well as its applicability to the type of system disclosed by Lemelson.

14. Claims 7-10, 15, 17 and 23-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 16 would be allowable if rewritten to overcome the objection(s) under 37 CFR 1.75(a) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 5-6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 18-20 and 31³⁵ are allowed.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The art cited by applicant is made of record.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mullen, Jr. whose telephone number is 571-272-2965. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4 PM. The examiner can also be reached on alternate Fridays.

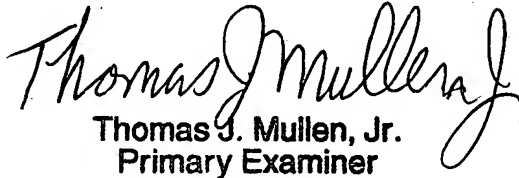
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu, can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

TJM


Thomas J. Mullen, Jr.
Primary Examiner
Art Unit 2632